



West Virginia Senate

Committee on the Judiciary

Minutes for APRIL 06, 2021, 2:30 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on April 06, 2021, 2:30 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Blair, Grady, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, Woelfel

Members absent: None

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Weld, the minutes of the previous meeting were approved.

H. B. 2581 - Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property.

Mark Dean, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Motion currently on the table being Senator Welds motion to adopt the strike and insert amendment.

Senator Rucker moved to amend the strike and insert amendment on page 3, subsection (d), subdivision (3), after line 63 as shown on the copy attached.

With leave of the committee, Delegate Dianna Graves, West Virginia House of Delegates District 38, responded to questions.

The motion being on the amendment offered by Senator Rucker.

The Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 8 in favor and 9 opposed, the amendment was rejected.

On motion of Senator Weld, the committee adopted the strike and insert amendment.

Senator Weld moved to report the bill to the full Senate with the recommendation that it do pass as amended.

The Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 11 in favor and 6 opposed, the bill will be reported.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2694 - Create the 2nd Amendment Preservation Act.

Tom Smith, Chief Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Adam Crawford, Vice President, West Virginia Fraternal Order of Police, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Ian Masters, President, Citizens Defense League, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Michael L. Oglesby, 1st Sgt, West Virginia State Police, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Chairman Trump laid over **H. B. 2694.**

H. B. 2025 - Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner.

Tom Smith, Chief Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Anoop Bhasin, General Counsel, West Virginia Alcohol Beverage Control Administration, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee recessed.

The committee reconvened.

On motion of Senator Rucker, the committee adopted the counsel suggested amendment to the strike and insert amendment on page 21, line 104, by striking the word “contiguous” and inserting the word “adjacent”; and on line 106 after the word “dining” inserting the words “under the licensee’s control with ingress and egress; and on line 107 after the word “proximity” inserting “and under the licensee’s control with right of ingress and egress”.

On motion of Senator Rucker, the committee adopted the counsel suggested amendment to the strike and insert amendment on page 67, line 407, after the word “documentation” inserting “including a list of food caterers” and after the word “or” inserting the word “written”.

With leave of the committee, Bridget Lambert, West Virginia Retailers Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Anthony Majestro, representing Marriott, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Edward George, Distilled Spirits Council of the United States, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, David Wojnar, Senior Vice President and Head of State Public Policy, Distilled Spirits Council of the United States, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Jeff McKay, Summit Beer Station and Better Beer Coalition, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Chelsea Crucitti, Senior Director, State Affairs, Wine & Spirits Wholesalers of America, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Romano, the committee amended the strike and insert amendment to require a distiller with a private direct shipper license to ship the liquor to a retail liquor outlet of the consumers choice in the market zone in which the consumer resides, which retail outlet shall charge the consumer at least the minimum mark-up.

On motion of Senator Weld, the committee adopted the strike and insert amendment, as amended.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2368 - Mylissa Smith's Law, creating patient visitation privileges.

Laura Goins, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

With leave of the committee, Jolynn Marra, Director, Office of Health Facility Licensure and Certification, West Virginia Department of Health and Human Resources, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Weld moved to adopt the strike and insert amendment.

On motion of Senator Smith, the committee amended the strike and insert amendment on page 3, section 8, subsection (8), line 2, by striking "in a manner consistent with applicable federal and state laws, regulations, rules, policies, and guidance" and also at the end of line 5 inserting a

new sentence “Provided, That visitation permitted by any health care entity may not be inconsistent with any applicable federal law, rule, policy, or guidance in effect for the same emergency.”

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2195 - Relating to motor vehicle crash reports.

Laura Goins, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Beach moved to adopt the strike and insert amendment.

On motion of Senator Caputo, the committee amended the strike and insert amendment on page 1, line 8 after the word “information” by inserting “upon request”.

On motion of Senator Beach, the committee adopted the strike and insert amendment.

On motion of Senator Beach, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Beach, the committee adopted the title amendment.

H. B. 2908 - Relating to disclosure of information by online marketplaces to inform consumers.

Laura Goins, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Beach moved to adopt the strike and insert amendment.

With leave of the committee, Bridget Lambert, West Virginia Retailers Association, responded to questions.

With leave of the committee, Philip A. Reale, Amazon Web Services, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Conrad Lucas, Walgreens, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Romano, the committee agreed to lay over the bill.

On motion of Senator Romano, the committee agreed originate a study resolution.

Chairman Trump moved **H. B. 2891** next on the agenda.

H. B. 2891 - Creating minimum statutory standards for law-enforcement officers.

Liz Schindzielorz, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Delegate David Kelly, West Virginia House of Delegates District 6, responded to questions. (See attached oath.)

With leave of the committee, David Lee, Coordinator, Law Enforcement Professional Standards Subcommittee, West Virginia Department of Homeland Security, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2671 - Relating to financial exploitation of elderly persons, protected persons or incapacitated adults.

Mark Dean, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2688 - Allow county political parties to have building funds in a similar manner that state parties are allowed.

Liz Schindzielorz, Counsel, explained the bill, and responded to questions.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump
Chair



Beverly Douglas
Clerk/Analyst

The Senate of West Virginia



Testimony taken this 6th day of April, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

David M. Lee

Print Witness Name

Don L

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

Testimony taken this 6th day of April, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

David Lucas

Print Witness Name

DS

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

Testimony taken this 6th day of April, 20 21, in
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"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Philip A. Reale

Print Witness Name

Philip A. Reale

Sign Witness Name

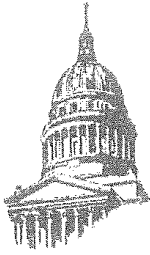
Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

Remote/Virtual Testimony

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Jolynn Marra

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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Chelsea Crucitti

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Jeff McKay

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

David Wojnar

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Edward J. George

Print Witness Name

E. J. George

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Anthony Majestro

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Bridget Lambert

Print Witness Name

Bridget Lambert

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Anoop Bhasin

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name



The Senate of West Virginia

Remote/Virtual Testimony

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Michael L. Oglesby

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

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Testimony taken this 6th day of April, 2021, in
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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Ian Masters

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name

The Senate of West Virginia



Testimony taken this 16th day of April, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Adam Crawford

Print Witness Name

Ad A. C.

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name